

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>NEW YORK CITY TRANSIT AUTHORITY,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>EXPRESS SCRIPTS, INC.</p> <p style="text-align: center;">Defendant.</p>	<p>-----X</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>-----X</p>	<p>Case No. 1:19-cv-05196-JMF</p> <p>Declaration of Elizabeth A. Bozicevic In Support of Express Scripts’ Motion to Exclude Testimony of Susan Hayes</p>
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I, Elizabeth A. Bozicevic, state as follows:

1. I am a partner at the law firm Husch Blackwell LLP (“Husch Blackwell”), attorneys for Defendant Express Scripts, Inc. (“Express Scripts”).
2. I submit this declaration in support of Express Scripts’ Motion to Exclude Expert Susan Hayes, expert for Plaintiff New York City Transit Authority (“NYCTA”).
3. Attached hereto in redacted form as **Exhibit 1** is a true and accurate copy of the Supplemental Expert Report of Susan A. Hayes, dated January 29, 2021, along with Exhibits A and B to that report. Exhibit C is a spreadsheet containing private health information of NYCTA’s members. I will provide Exhibit C to the Court upon request.
4. Attached hereto as **Exhibit 2** is a true and accurate copy of excerpts from the deposition of Susan Hayes, taken on February 19, 2021, along with the deposition’s index.
5. **Exhibit 3** was filed under seal. I represent that Exhibit 3 is a true and accurate copy of a description of an Express Scripts program, previously marked as ESI Dep. Ex. 117, and produced at Express_Scripts_1095_00000351 – Express_Scripts_1095_00000355.
6. Attached hereto as **Exhibit 4** is a true and accurate copy of excerpts from the deposition of Jim Masella, taken on October 1, 2020, along with the deposition’s index.
7. Attached hereto in redacted form as **Exhibit 5** is a true and accurate copy of an email and presentation sent from Express Scripts to NYCTA, previously marked as ESI Dep. Ex. 11, and produced at Express_Scripts_1095_00156563 – Express_Scripts_1095_00156565.

8. Attached hereto in redacted form as **Exhibit 6** is a true and accurate copy of a presentation given by Express Scripts to NYCTA, produced at Express_Scripts_1095_00003144 – Express_Scripts_1095_00003178. Due to the size of the document, it is it has been broken down into two parts for filing

9. Attached hereto as **Exhibit 7** is a true and accurate copy of an internal NYCTA email attaching a presentation from Express Scripts, produced at NYCTA000019844 – NYCTA000019851.

10. Attached hereto as **Exhibit 8** is a true and accurate copy of an internal NYCTA email exchange, previously marked as ESI Dep. Ex. 31, and produced at NYCTA0000057983 – NYCTA0000057987.

11. Attached hereto as **Exhibit 9** is a true and accurate copy of an email exchange between NYCTA and AON, produced at NYCTA000004848 – NYCTA000004849.

12. Attached hereto as **Exhibit 10** is a true and accurate copy of an article authored by Susan Hayes from the June 2017 issue of “Benefits Magazine.”

13. Attached hereto as **Exhibit 11** is a true and accurate copy of excerpts from the corporate representation deposition of Blake Stockwell, taken on December 4, 2020, along with the deposition’s index.

I declare under perjury that the foregoing is true and correct.

Executed on March 31, 2021.

/s/ Elizabeth A. Bozicevic

Elizabeth A. Bozicevic
St. Louis, Missouri

Dated: March 31, 2021

By: /s/ Elizabeth A. Bozicevic

Christopher A. Smith, *Admitted Pro Hac Vice*
Sarah C. Hellmann, *Admitted Pro Hac Vice*
Matthew D. Knepper, *Admitted Pro Hac Vice*
Mohsen Pasha, *Admitted Pro Hac Vice*
Elizabeth A. Bozicevic, *Admitted Pro Hac Vice*
HUSCH BLACKWELL LLP
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
P: (314) 480-1500 / F: (314) 480-1505
chris.smith@huschblackwell.com
sarah.hellmann@huschblackwell.com
matt.knepper@huschblackwell.com
mohsen.pasha@huschblackwell.com
elizabeth.bozicevic@huschblackwell.com

Michelle L. Merola
Carmine J. Castellano
HODGSON RUSS, LLP
605 Third Avenue, Suite 2300
New York, NY 10158
P: (212) 751-4300
mmerola@hodgsonruss.com
ccastellano@hodgsonruss.com

*Attorneys for Defendant
Express Scripts, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 31st day of March, 2021, the foregoing was filed electronically with the Clerk of Court, to be served by operation of the Court's electronic filing system upon all counsel of record.

s/ Elizabeth A. Bozicevic